

# Don't ask Butch to solve megaload standoff

Marty Trillhaase/Lewiston Tribune

Let's call this the black hole theory of governing. You can deduce the absence of one thing by the presence of something else.

Take the U.S. Highway 12 corridor, for instance.

Swirling around it is a multi-layered confrontation over Omega Morgan's plans to transport a megaload stretching 255 feet long and 21 feet wide along the narrow, twisting river highway toward Montana and the Alberta tar sands.

The Idaho Transportation Department has issued a permit to Omega Morgan.

That's a slap at Nez Perce-Clearwater National Forest Supervisor Rick Brazell's contention that the highway is closed to megaloads until he completes a review.

That's in spite of U.S. District Judge B. Lynn Winmill's ruling last spring that the Forest Service has that authority under the Wild and Scenic Rivers Act of 1968.

That's a sign of disrespect to the Nez Perce Tribe, whose reservation encompasses the intended route - and a disregard for the Obama administration's directive that the federal government consult with American Indian tribes.

So Omega Morgan left the Port of Wilma Monday, only to be stalled by protesting tribal members. It happened again Tuesday.

What happens next? Does the Forest Service block the shipment at the national forest line? Does Winmill intervene? Left in the lurch are residents, tourists, motorists and other shippers.

Ironically, this is not unsolvable.

During the first decade of the 21st century, 95 oversized loads - sufficiently wide to require interrupting traffic - traversed U.S. 12 from both directions and hardly anyone noticed.

On the other hand, topography, politics, the Montana courts and weather blocked ExxonMobil's dream of an industrial route servicing 200 transports to the tar sands.

So the question is not whether megaloads can make the trip, but how many and how often?

All that's needed is a honest broker.

No one is better suited to that role than the governor of Idaho.

For the sake of argument, let's say Gov. C.L. (Butch) Otter decided to take charge.

What would he do?

He'd pick up the phone and tell Transportation Director Brian Ness to hold off issuing any ~~megaload permits. If that doesn't work, he'd go to court and seek an injunction. He'd press ITD~~ for the answers: Are these transports safe? How do they affect the highways and bridges? If the responses aren't complete, the governor would demand more study.

The next call would go to Omega Morgan President and CEO John McCalla. "Move that shipment across the Idaho state line," Otter would say, "and be prepared for a phalanx of Idaho State Police officers to stop you."

Then he'd check in with Brazell. "Look, Rick," the governor might say, "I'm willing to hold back here. But two years or more for a corridor study? That's not practical. How much time do you really need and what can I do to help move it along?"

After that, the governor would begin government-to-government talks with tribal authorities. He'd check in with Montana Gov. Steve Bullock and establish a line of communication. Finally, he'd contact residents of the highway communities for their feedback.

The governor's goal would be steady progress toward a compromise that all sides might hate but they could live with. You have observed just the opposite - an escalating showdown among people who believe the choice is between winning or losing.

All of which tells you Otter is sitting back, passively waiting for the courts or the bureaucracy to resolve the problem. A governor who has been in office seven years and wants five more apparently doesn't believe rolling up his sleeves is part of the job description. - M.T.